

VZCZCXRO3015
RR RUEHLMC
DE RUEHNM #0281/01 1071725
ZNR UUUUU ZZH
R 171725Z APR 09
FM AMEMBASSY NIAMEY
TO RUEHC/SECSTATE WASHDC 4964
INFO RUEHAR/AMEMBASSY ACCRA 0511
RUEHFR/AMEMBASSY PARIS 0812
RHMFISS/HQ USAFRICOM STUTTGART GE
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UNCLAS SECTION 01 OF 03 NIAMEY 000281

DEPT FOR AF/W, AF/RSA, EEB/TPP, G/TIP, AND DRL/EA
DEPT PLS PASS USTR - L A AGAMA
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SUBJECT: NIGER: UPDATE ON GSP PETITION-RELATED MATTERS

Ref: a) 08 State 10106, b) 08 Niamey 00231, c) 08 Niamey 00424, d) 08 Niamey 00541, e) 08 Niamey 00750, f) 08 State 87415, g) various Embassy Niamey - State/USTR e-mails, h) Niamey 00030, i) Niamey 00099, j) Niamey 00092, k) 2008 Human Rights Report for Niger, l) 23 Mar 09 State-Embassy Niamey-USAID-USTR-DOL conference call, m) Niamey 00273

11. (SBU) Introduction and Background: Ref A tasked post with obtaining information pertaining to the continuing review of the 2006 Generalized System of Preferences (GSP) petition involving Niger; post responded in Refs B, C, D, and E. Ref F was a follow-on tasking that requested that post meet with GON officials to call attention to suggested steps and to underscore the need for continued progress. Ref G, H (post's Child Labor Report), I (post's Trafficking in Persons Report), J (post's comments on the DOL draft list for TVPRA), and K addressed this tasking. Finally, this message responds to an outline formed during Ref L conference call. The information below was obtained from the Secretaries General and relevant directors of the Ministry of Civil Service and Labor, Ministry of Justice, and Ministry of Women's Promotion and Children's Protection. Post has provided MFA with copies of all relevant documents, including source petition, to underscore the importance of this issue and to assist in addressing remaining issues.

12. (SBU) The following updated information, obtained by DCM/CDA, Economic/Consular Officer, and Political Specialist, is provided to address specific points for which post agreed to follow-up with pertinent GON ministries:

1A. The GON should enact and implement the draft human trafficking law that it discussed with the USG in March 2007. The USG recognizes that progress has been made on the law in that it was submitted to the Council for Ministers for review, but requests its full enactment and implementation.

Ministry of Justice: Secretary General Djibo Adamou Abdoulaye, who has been in office four only four months, acknowledged that the Ministry had completed the technical work and submitted a draft law to the Council of Ministers for review. He also mentioned that his Minister had been questioned several times as to why passage of this law had stalled; the Secretary General indicated that only the Minister was empowered to respond to such inquiries.

Ministry of Women's Promotion and Children's Protection: The Director of Children's Protection noted that the Ministry had worked in collaboration with the U.S. Embassy to prod the drafting of trafficking in persons legislation. The draft law is now with the Secretary General of the Government.

1B. As required by ILO Convention 182 on the Elimination of the Worst Forms of Child Labor, the GON should promulgate a decree that lists the worst forms of child labor.

Ministry of Civil Service and Labor: Director General of Labor Administration Dan Azoumi said that the Ministry has developed a list of the worst forms of child labor (WFCL), which is largely based on ILO conventions. Article 109 of Niger's draft revised Labor Code addresses the worst forms of child labor. The list will be included as one of the implementing decrees of laws regarding the Labor Code. The composite Labor Consultative Commission currently is completing an overhaul of the 1996 Labor Code. The revised Labor Code will be forwarded to the GON "shortly" for approval; the GON will then submit it to the National Assembly for adoption as a law. Dan Azoumi indicated that the Ministry expects the National Assembly to vote on the law by the first quarter of 2010. He did not anticipate opposition to it.

Director of Labor and Social Security Abdou Dounama said that due to Niger's ratification of relevant ILO conventions, the Ministry has continued a training program for labor inspectors, judges, and lawyers on enforcement. He stated that "...this has become a reflex (i.e., routine), especially for our labor inspectors, who constantly sensitize and advise employers on the observance of labor laws."

Ministry of Women's Promotion and Children's Protection: The Director of Children's Protection said that the Ministry is a member of the National Steering Committee on Child Labor chaired by the Ministry of Civil Service and Labor. He stated that a list of worst forms of child labor exists, but a newer version is being prepared in line with the ongoing revision of the Labor Code. The Ministry is working with the Ministry of Civil Service and Labor and the ILO

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on this issue.

Secretary General Hamidou noted that child labor in Niger has cultural underpinnings, i.e., traditional as well as religious perceptions. Therefore, introducing ways to eliminate it requires a careful approach to raise people's awareness.

1C. The USG also requests an update on the progress made to adopt specific child labor legislation.

Ministry of Civil Service and Labor: Ministry officials said this item falls in line with the Labor Code revision process described above.

Ministry of Women's Promotion and Children's Protection: The Director of Children's Protection said the process is ongoing at the Ministry of Civil Service and Labor, in order to comply with ILO Conventions 138 and 182, which Niger has ratified.

1D. Receipt of updates about the National Commission's work to combat survival of forced labor and discrimination, including the timetable, process, public involvement, and implementation of its national plan of action.

Ministry of Civil Service and Labor: Dan Azoumi said that since its establishment in 2006, the 18-member Commission had carried out a study in two pilot regions - Tahoua and Tillabery. The study included: a) sensitizing the population and building institutional capacity; b) promoting decent working conditions; and c) fighting poverty through small projects for people suffering from discrimination. He indicated that the study was validated and action plans had been developed for the two regions. The first phase of the ILO/MOL Project to Support the Fight against the Remnants of Forced Labor and Discrimination (PACTRAD) came to completion in 2008. Due to limited resources, the GON cannot start a second phase to cover the rest of the country; therefore, the Ministry is trying to obtain funding. However, the GON has set up an ad-hoc committee to draft the project's second phase and determine its budget, and then submit a request to the Ministry of the Economy and Finance to make provisions for the GON's contribution. The ad hoc committee has not convened to date.

Dounama mentioned that the Commission will use the National Statistics Institute (INS) study to scale up the action plan nationwide.

Ministry of Women's Promotion and Children's Protection: Officials regard the Ministry of Civil Service and Labor as having action on this issue.

1E. Recognizing the activities undertaken to date, that the GON continue its efforts to raise public awareness, including expanding into rural areas of the country, to inform citizens of the practices, laws, and penalties for slavery, forced labor, trafficking in persons, and child labor.

Ministry of Justice: The Secretary General said the GON collaborates with NGOs and IOs to raise awareness on trafficking in persons. Niger's efforts can also be measured through NGOs activities, sensitization messages on radio and television, and training sessions.

He pointed out that in the absence of a specific law on human trafficking, law enforcement officials prosecute forced labor, child labor, and trafficking cases based on the provisions of the Penal Code. He said that based on information provided by a trucker member of a local trafficking in persons vigilance committee, the Tribunal of Dosso recently arrested and jailed a man suspected of abducting his niece to neighboring Benin. In March 2009, the Tribunal of Birni N'Konni sentenced the defendant in the case of former slave Hadizatou Mani to one year's imprisonment and payment of fines (Ref M).

Ministry of Women's Promotion and Children's Protection: The Director of Children's Protection said that his Ministry has a track record on sensitization on trafficking in persons and child labor through training sessions held for social workers and law enforcement officers, and the establishment of local vigilance committees (made up of community members, traditional chiefs and religious leaders, and ministry technicians) down to the village level. Issoufou noted, however, that Niger is a vast country and

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government resources are scarce; therefore, it is very difficult to cover all areas of the nation.

Issoufou added that the population does not understand the concept of trafficking in persons and appropriate agencies therefore need to increase sensitization activities to make people understand that some current practices are not appropriate. Issoufou pointed out that legislation by itself is not enough; it needs to be reinforced by sensitization methods that fit the national context. To this end, the Ministry heads a national commission made up of government services and religious and traditional leaders. As he stated, "The work to be done will be intensive and extensive, and it would be unrealistic to expect short-term results."

1F. That the GON provide a summary of the 2008 study of slavery that was presented in July 11, 2008, including the various forms that exist in Niger such as traditional caste-based slavery. The GON is also requested to provide information on next steps per the study's recommendations.

The Commission for Human Rights and Fundamental Liberties is the action office for this item, although despite repeated requests for updates, post has received nothing to date.

1G. That the GON provide an update on the investigation and prosecution of two former slave-holders under the amended Penal Code, the results of the ECOWAS case, and any other prosecutions.

In the ECOWAS Court of Justice case, the GON accepted the Court's verdict from October 2008 and paid the fine it assessed to former slave Hadizatou Mani in March 2009; furthermore, the Tribunal of Birni N'Konni sentenced the defendant in the case to a year's imprisonment and fines in March 2009 (Ref M). In a separate case, the tribunal of Dosso sentenced a man who had abducted his niece to

Benin to imprisonment. In 2008, the GON cooperated with the Governments of Mali and Benin in investigating and prosecuting several child trafficking cases.

11H. The USG requests an update on the two child labor surveys and actions taken to implement changes based on the findings.

Ministry of Civil Service and Labor: According to Dounama, the INS study on child labor is being finalized. INS has completed the survey data collection, and currently is analyzing the data, although there is no specific timeline for its completion. Dounama said that the Minister of Civil Service and Labor had urged the INS team to practice due diligence, because it would be difficult to draft action plans without accurate and useful data.

13. (U) Please advise if additional information is needed; post will continue to press on the above issues to obtain further information and advocate for their resolution. Post will also continue to monitor and report on conditions pertaining to child and forced labor, in particular.

Whitaker